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VIA ECF

May 24, 2024

The Honorable Judge John R. Tunheim Sr.
U.S. District Judge, District of Minnesota
United States District Court
300 South Fourth Street
Minneapolis, MN 55415

Re: McDougall v. CRC Industries, Inc., et al.
Court File No. 20-cv-1499-JRT-LIB

Dear Judge Tunheim:

I write on behalf of Plaintiff David McDougall in response to CRC's letter of May 22, 2024 regarding the Minnesota Court of Appeals' decision in *Glaxo v. R.C. of St. Cloud, Inc.*, No. A23-1464, 2024 WL 2266939 (Minn. Ct. App. May 20, 2024).

As a threshold matter, CRC's letter is not tethered to any motion currently before this Court, nor does it request any specific relief. Secondly, the opinion referenced in CRC's letter is a *dissent*—by definition not a statement of the law in Minnesota—that arises from an unpublished decision, which has no precedential value. *See* Minn. Stat. § 480A.08(3); Minn. R. Civ. App. P. 136.01(1)(C). Finally, CRC's letter is contrary to this Court's correct ruling that CRC may not limit its liability to the extent of its fault by comparing its responsibility to that of Kyle Neumiller, an intentional tortfeasor. (Order at 3, ECF No. 229.)

McDougall respectfully requests that this Court enter judgment, consistent with the jury's verdict of April 25, 2024.

Sincerely,

/s/ Tara D Sutton

Tara D. Sutton
Partner